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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|---------------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 3-11-71304 JCS |
| Plaintiff, |) | STIPULATION AND [PROPOSED] |
| v. |) | ORDER EXCLUDING TIME UNDER |
| |) | SPEEDY TRIAL ACT |
| MICHAEL KELLY, |) | |
| Defendant. |) | |

Defendant Michael Kelly and the government, through undersigned counsel,
STIPULATE to the exclusion of time under the Speedy Trial Act as to Defendant Michael Kelly
from November 29, 2011 up to and including December 13, 2011, the date by which Defendant
is ordered to appear before the duty magistrate in the Southern District of New York in this
matter. The parties appeared before the Honorable Joseph C. Spero on November 29, 2011 for a
detention hearing in this matter. Defendant Michael Kelly was present with his attorney,
Kenneth Wine. Defendant and the government agreed to set a date of December 13, 2011 by
which Defendant is to appear before the duty Magistrate Judge in the Southern District of New
York in this matter, and requested that time be excluded under the Speedy Trial Act from
November 29, 2011 through December 13, 2011 for transportation of Defendant to another

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district, continuity of defense counsel, and effective preparation of defense counsel.

Dated: November 30, 2011

/s/
KENNETH WINE
Attorney for Defendant

Dated: November 30, 2011

MELINDA HAAG
United States Attorney

/s/
CHINHAYI COLEMAN CADET
Assistant United States Attorney

Based upon the above stipulation, and for good cause appearing, THE COURT ORDERS THAT:

1. Time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161 from November 29, 2011 up to and including December 13, 2011 for transportation of the defendant to another district, continuity of defense counsel, and effective preparation of defense counsel. Failure to grant the requested continuance would unreasonably deny the defendant continuity of counsel and the time necessary for effective preparation, taking into account the exercise of due diligence.

2. Given these circumstances, the Court finds that the ends of justice served by excluding the period from November 29, 2011 up to and including December 13, 2011 outweigh the best interest of the public and the defendant in a speedy trial. 19 U.S.C. § 3161(h)(7)(A).

3. Accordingly, and with the consent of the defendant, the Court orders that the period from November 29, 2011 up to and including December 13, 2011 be excluded from the Speedy Trial Act calculations as to Defendant Michael Kelly under 18 U.S.C. §§ 3161(h)(1)(F), 3161(h)(7)(A), 3161(h)(7)(B)(iv).

December 1
Dated: November ___, 2011

HONORABLE
United States
Judge Joseph C. Spero
PERO
NORTHERN DISTRICT OF CALIFORNIA

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